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Remarks

Claims 1-15 are pending in this application. Claim 1 has been amended to more clearly define the present invention.

Entry of this Amendment is proper under 37 CFR § 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Claim Rejections – 35 USC § 103

Claims 1-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beming et al. (WO 99/16264) in view of Stacey et al. (USP 6,434,154).

Claim 1 now more clearly sets out that the present invention is concerned with one type of service only, that of speech data, and that the same data rate is required for the purposes of each user.

Both Berning et al. and Stacey et al. are concerned with different types of services having correspondingly different requirements. Accordingly, it is respectfully submitted that neither reference teaches the present invention. Berning et al. is concerned with one user only and with services having different data rates. Stacey et al. suggests that different data rates may be accommodated by using mini-slots and mini-cells. An ordinarily skilled person would not look to either of these references when faced with a requirement that involved transmission of only one service type at one data rate, but involving at least two users.

Claim 1 as amended now more explicitly sets out that the data from the at least two users is speech data and that they have the same data rate requirement. As recognized by the present inventors, because of the similarity, it is possible to combine the data from different users so as to efficiently transmit speech data from more than one user in a type of communications system that was not designed with speech transmission in mind. This is achieved by combining the speech data from at least two users into a single RLC/MAC block and allocating the at least one time slot to the RLC/MAC block, such that when transmitted, the time slot carries data from each of the users. Thus, for example, separate headers are not required for each user in the RLC/MAC block.

In contrast, Stacey et al. requires an individual header for each mini-cell and, as explained in our previous response, the mini-cells are concatenated and not combined, this being necessary in Stacey's system to obtain the flexibility in dealing with different types of service. One would not be motivated to attempt to encode the mini-cells of Stacey into a single block because then the flexibility sought by Stacey et al. would be lost. As discussed in our previous response, in Berning et al., again, a system is proposed which is particularly concerned with handling data of differing requirements, and with the additional requirement that this is to be managed in a single mobile user. A skilled person faced with the disclosure of Berning et al. would not be motivated to modify the proposal so as to deal with multiple users, as this goes directly against what Berning et al. is seeking to achieve. Indeed, it is difficult to see why such a skilled person, when only

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speech transmission with similar data rates is under consideration, would want to turn to Beming et al. and the complexities required for dealing with differing service requirements.

Thus, Applicants respectfully submit that for this reason and for those reasons set forth in the previous response, the invention as claimed in claim 1 is patentable over any combination of Beming et al. and Stacey et al. The other claims are directly or indirectly dependent from allowable claim 1 and for this reason at least are also allowable.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicant's attorney so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the Lucent Technologies Deposit Account No. 12-2325.

Respectfully,

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